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## INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference P67530PC00	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00939	International filing date (day/month/year) 24.12.2003	Priority date (day/month/year) 24.12.2002
International Patent Classification (IPC) or both national classification and IPC G07C13/00		
Applicant N.V. NEDERLANDSCHE APPARATENFABRIEK NEDAP et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 7 sheets, including this cover sheet.  
  
☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  
  
 These annexes consist of a total of 4 sheets.

3. This report contains Indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  16.07.2004	Date of completion of this report  15.04.2005
Name and mailing address of the International preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Kemény, M  Telephone No. +49 89 2399-7941  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NL 03/00939

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-7 as published

**Claims, Numbers**

1-25 filed with telefax on 22.03.2005

**Drawings, Sheets**

1/1 as published

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	2-24
	No: Claims	1, 25
Inventive step (IS)	Yes: Claims	
	No: Claims	1-25
Industrial applicability (IA)	Yes: Claims	1-25
	No: Claims	

2. Citations and explanations

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
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**Re Item I**

**Basis of the report**

**1 Prior Art**

Reference may be made to the following documents:

- D1: US-B1-6 250 548 (LOHRY KERMIT ET AL) 26 June 2001 (2001-06-26)
- D2: US 2002/106620 A1 (BARNUM MICHEAL) 8 August 2002 (2002-08-08)
- D3: US 2001/042005 A1 (WIELAND RALPH DAVID ET AL) 15 November 2001 (2001-11-15)
- D4: EP-A-0 420 354 (NEDAP NV) 3 April 1991 (1991-04-03)
- D5: US 2002/143610 A1 (MUNYER ROBERT E) 3 October 2002 (2002-10-03)
- D6: US-A-5 666 765 (MALPASS KENNETH B ET AL) 16 September 1997 (1997-09-16)
- D7: US-A-4 236 066 (OLMSTEAD CHARLES H ET AL) 25 November 1980 (1980-11-25)

**2 Summary**

The independent claim is not clear. Its subject-matter is not new within the meaning of Article 33(2) PCT, due to which the requirements of the PCT are not met.

**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability**

**3.1 Independent Claim 1**

The subject-matter of the independent claim 1 is a voting system, having a first regular operating function (A-Z, 01-40) and a second regular operating function (2). The first regular operating function are used to select at least one candidate, the second regular operating function are then operated to cast the vote and thus vote for this previously selected at least one candidate. Alternatively to the usage of the first regular operating function, additional operating functions (4, 5, 7, 8) may be used to select at least one candidate; again, the second regular operating function are then

operated to cast the vote and thus vote for this previously selected at least one candidate.

3.2 The distinction between the first regular operating function and the second regular operating function, in the wording of the claim, can only be made when the reference numerals are being considered. However, these numerals are by law in no way restricting the claim, due to which the claim itself is not clear (Article 6 PCT). In order to be able to establish an International Preliminary Examination Report which does include an opinion with regard novelty and/or inventive step, the IPEA has made the above assumptions.

3.3 Document D1, which is considered to be the closest prior art, discloses:

A voting system,

- provided with regular operating functions (A-Z, 01-40, 2) to regularly vote for at least one candidate (fig. 15, reference 65) and
- provided with additional operating functions (4, 5, 7, 8) located at or near a front side of the system for persons with a physical disability ("The VTCB 98 has an electronic connector located at the front corner that allows an external device to be connected, upon request or as a standard feature, to provide input access for disabled voters, through a remote selection terminal (RST) 112. When the RST 112 is plugged in, activation of contest switches can be accomplished remotely through various means that will enable persons with disabilities to vote unassisted.", col 19, l 37-44. The term "system", as claimed, is interpreted as comprising the known VTCB (98) and RST (112). Essentially, the claimed "system" is considered to correspond to what is displayed in fig 5 of D1.)
- wherein the additional operating functions (4, 5, 7, 8) are designed for selecting at least one candidate ("(...) the voter desires that selection, the RST 112 receives a stimulus from the voter and the selection is made", col 19, l 47-48);
- wherein the regular operating functions are provided with regular selection functions (A-Z, 01-40) to select at least one candidate ("To make a selection, the voter presses the graphical mark corresponding to the selection and the underlying switch 100 is activated.", col 18, l 23-25) and,
- other regular operating functions (2) to cast a vote for at least one selected candidate, wherein the other regular operating functions (2) are also needed to

cast a vote in combination with the additional operating functions (4, 5, 7, 8) ("The "Cast Ballot" button 84 is well marked and set off by itself and is used by the voter to finalize his vote and have it recorded by the voting system. (...) Prior to pressing the "Cast Ballot" button 84, as the voter makes selections within a contest, the large-format, electronic, flat-panel display 110, or LCD screen, displays the contest in one of a plurality of alternate languages as selected by the TNC 50"; col 18, l 60 - col 19, l 3);

- wherein the regular selection functions are provided with an operating field (A-Z, 01-40) with candidate fields for showing substantially all candidates eligible for election at the same time (fig. 26);
- wherein each candidate field is manually operable for selecting a corresponding candidate ("To make a selection, the voter presses the graphical mark corresponding to the selection and the underlying switch 100 is activated.", col 18, l 23-25) and
- wherein the additional operating functions are provided with at least one selector (4, 5, 7, 8) for carrying out, in use, substantially all selections to be made for choosing a candidate ("The RST 112 can employ any of several means for sensing a stimulus from the disabled voter (...)", col 19, l),
- wherein, the at least one selector (4) is located at or near the front side (F) of the voting system and wherein the at least one selector comprises a navigator, [for instance a joystick or arrow keys] ("(...) the voter desires that selection, the RST 112 receives a stimulus from the voter and the selection is made."; col 19, l 47-48); and
- wherein the other regular operating functions comprise at least one voting key (2) for casting a vote for at least one selected candidate said at least one voting key being also provided near and/or at the front side (F) of the voting system ("Until the "Cast Ballot" button 84 is pressed, the voter is free to change any and all selections simply by pressing another switch 100 involving that same contest.", col 43, l 5-7, in combination with fig. 10).

3.4 Considering the above, the subject-matter of independent claim 1 is not new within the meaning of Article 33(2) PCT.

3.5 As a consequence to the above findings, the subject-matter of claim 25 is not new, either.

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- 3.6 The features of the other dependent claims, insofar as they are not known from the documents cited in the Search Report for the same purpose as in the present application, are generally known to a person skilled in the art, and therefore, do not produce an inventive step.

**Re Item VII**

**Certain defects in the international application**

- 4 Considering the findings under section 3.1 of this IPER, the claims are not clear within the meaning of Article 6 PCT.